

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
CLERK'S OFFICE

TERRI PECHNER-JAMES and SONIA  
FERNANDEZ,  
Plaintiffs,

v.

C.A. No. 03-12499-MLW

CITY OF REVERE, THOMAS AMBROSINO,  
MAYOR, CITY OF REVERE POLICE  
DEPARTMENT, TERRENCE REARDON,  
CHIEF OF POLICE, BERNARD FOSTER,  
SALVATORE SANTORO, ROY COLANNINO,  
FREDERICK ROLAND, THOMAS DOHERTY,  
JOHN NELSON, JAMES RUSSO, MICHAEL  
MURPHY and STEVEN FORD,  
Defendants,

SCANNED  
DATE: 4-14-05  
BY: [Signature]

**DEFENDANT, MAYOR THOMAS AMBROSINO'S  
STATEMENT OF UNDISPUTED MATERIAL FACTS**

1. On March 4, 1901 the City of Revere placed its police personnel under the state civil service system pursuant to Massachusetts General Law, chapter 31, section 48 (Affidavit of Walter H. Porr, Jr., and Revere Revised Ordinances, Table II, Division 2, General Laws Accepted, page 391 attached thereto which are attached hereto as Exhibit "A").
2. On November 3, 1936 the City of Revere placed its municipal employees under the state retirement law pursuant to Massachusetts General Law, chapter 32 (Affidavit of Walter H. Porr, Jr., and Revere Revised Ordinances, Table II, Division 2, General Laws Accepted, page 391 attached thereto which are attached hereto as Exhibit "A").
3. Pursuant to Acts 1964, Chapter 115, the citizens for the City of Revere were authorized "to vote at the biennial state election in the current year on the question of adopting the 'Plan B' form of government." (Affidavit of Walter H. Porr, Jr., and Revere

Revised Ordinances, Division 1 of Table II, Special Acts, page 386 attached thereto which are attached hereto as Exhibit "A").

4. On November 3, 1964, the citizens of the City of Revere adopted the "Plan B" form of government. (Affidavit of Diane Colella attached hereto as Exhibit "B").

5. On September 21, 1995 Plaintiffs Terri Pechner-James and Sonia Fernandez were sworn in as Revere Police Officers (Plaintiff Pechner's Motion for Partial Summary Judgment, page 2, Facts, paragraph 1, attached hereto as Exhibit "C" and Complaint, paragraphs 14 and 80).

6. At the time Officers Pechner and Fernandez were hired, James Russo was the Chief of Police (Complaint, paragraphs 9, 65-69 and 104).

7. On February 28, 1999 Chief Russo retired. (Affidavit of Carolyn Russo attached hereto as Exhibit "D").

8. On March 1, 1999 Roy Colannino was appointed as the Acting Chief of Police for the City of Revere by then Mayor Robert Haas. (Affidavit of Michael Murphy attached hereto as Exhibit "E").

9. On January 3, 2000 defendant Thomas Ambrosino was sworn in as Mayor of the City of Revere (Affidavit of Thomas Ambrosino attached hereto as Exhibit "F").

10. On July 1, 2000 the City of Revere and its Police officers entered into a new Agreement for the time-frame of July 1, 2000 to June 30, 2003. (Affidavit of Michael Murphy and Agreement between Teamsters Local 25 and the City of Revere attached thereto which are attached hereto as Exhibit "E").

11. On August 31, 2000, Acting Chief Colannino started an extended period of sick leave due which eventually ended with his retirement. At that time, Captain Frederick

Roland was named as the Captain in Charge of the Revere Police Department and assumed responsibility for the day- to-day supervision and operation of the department. (Affidavit of Michael Murphy and Revere Police Department Personnel Order P00-12 attached thereto which are attached hereto as Exhibit "E").

12. Or March 12, 2001, Plaintiffs Pechner and Fernandez filed their complaints with the Massachusetts Commission Against Discrimination (Complaint, paragraphs 11, 14, 79 and 105). A true and correct copy of said MCAD complaints are attached here to as Exhibit "C"). (Affidavit of Walter H. Porr, Jr. attached hereto as Exhibit "A").

13. Or March 13, 2001 Plaintiff Pechner discontinued her service as a Revere Police Officer (Plaintiff's Verified Complaint, paragraphs 16, 78 and 79).

14. Sometime during March-April 2001, Defendant Ambrosino met with Plaintiffs Pechner and Fernandez regarding their complaints/allegations of sexual harassment and hostile work environment (Complaint, paragraphs 49, 105, 116 and 134; Affidavit of Thomas Ambrosino attached hereto as Exhibit "F").

15. Or April 2, 2001, Plaintiff Fernandez was granted a three month leave of absence without pay by Defendant Ambrosino. (Affidavit of Thomas Ambrosino and letter of April 2, 2001 attached thereto which are attached hereto as Exhibit "F").

16. Or April 9, 2001, the dates of Plaintiff Fernandez' three month leave of absence without pay were modified to April 1, 2001 to June 30, 2001 by Defendant Ambrosino. (Affidavit of Thomas Ambrosino and letter of April 9, 2001 attached thereto which are attached hereto as Exhibit "F").

17. Or April 19, 2001 Plaintiff Pechner filed an Application for Indemnification Under Massachusetts General Laws Chapter 41, Section 100 and an Application for

Leave Without Loss of Pay Under Massachusetts General Laws Chapter 41, Section 111F (Complaint, paragraph 78; Plaintiff Pechner's Motion for Partial Summary Judgment. Exhibit 22, attached hereto as Exhibit "H").

18. On April 23, 2001 defendant Ambrosino denied Pechner's request for a three month paid leave of absence, but instead offered an unpaid leave of absence (Plaintiff Pechner's Motion for Partial Summary Judgment, Exhibit 24, attached hereto as Exhibit "I"; Affidavit of Thomas Ambrosino attached hereto as Exhibit "F").

19. On June 1, 2001 Pechner's Application for Leave Without Loss of Pay Under Massachusetts General Laws Chapter 41, Section 111F was denied based on a recommendation of the Third Party Claims Administrator for the City of Revere (Plaintiff Pechner's Motion for Partial Summary Judgment, Exhibit 27, attached hereto as Exhibit "J").

20. On July 5, 2001, Plaintiff Fernandez' was granted an additional three months leave of absence without pay from July 1, 2001 to September 30, 2001 by Defendant Ambrosino (Affidavit of Thomas Ambrosino and letter of July 5, 2001 attached thereto which are attached hereto as Exhibit "F").

21. On October 8, 2001, Plaintiff Fernandez returned to work from her unpaid leave of absence (Affidavit of Thomas Ambrosino and letter of October 6, 2001 attached thereto which are attached hereto as Exhibit "F").

22. On October 11, 2001 the Massachusetts Senate and House of Representatives in the General Court assembled passed Senate Bill 1886 – An Act Providing Requirements for Appointment of the Chief of Police of the City of Revere which exempted the Chief of Police of the City of Revere from chapter 31 of the General Laws [the civil service

system] (Affidavit of Walter H. Porr, Jr., and copy of Massachusetts Advance Legislative Service 2001 Mass ALS 102 attached thereto which are attached hereto as Exhibit "A").

23. On October 17, 2001 the Revere Police Department received a letter dated October 11, 2001 from Plaintiff Pechner seeking an examination by the City of Revere doctor (Affidavit of Michael Murphy and letter of October 11, 2001 attached thereto which are attached hereto as Exhibit "E").

24. On October 17, 2001 the Revere Police Department received an undated letter from Plaintiff Pechner invoking the grievance procedure under the union contract (Affidavit of Michael Murphy and undated letter attached thereto which are attached hereto as Exhibit "E").

25. On October 22, 2001 Captain in Charge Frederick Roland acknowledged Plaintiff Pechner's October 11, 2001 letter in writing (Affidavit of Michael Murphy and letter of October 22, 2001 attached thereto which are attached hereto as Exhibit "E").

26. On October 24, 2001 Captain in Charge Frederick Roland responded to Plaintiff Pechner's undated grievance letter in writing denying same (Affidavit of Michael Murphy and letter of October 24, 2001 attached thereto which are attached hereto as Exhibit "E").

27. On November 9, 2001 Plaintiff Pechner, through her union representative, notified Captain Roland that she was pursuing her grievance to Step 3 under the union contract (Affidavit of Michael Murphy and letter of November 9, 2001 attached thereto which are attached hereto as Exhibit "E").

28. On November 13, 2001 Defendant Ambrosino sent written notification to Plaintiff Pechner through her union representative that her Step 3 grievance hearing was set for

November 21, 2001 (Affidavit of Thomas Ambrosino and letter of November 13, 2001 attached thereto which are attached hereto as Exhibit "F").

29. Or November 21, 2001 Defendant Ambrosino conducted the Pechner grievance hearing. He rendered his written decision on November 26, 2001 and a copy of same was forward to Plaintiff Pechner by cover letter of even date (Affidavit of Thomas Ambrosino and decision and letter of November 26, 2001 attached thereto which are attached hereto as Exhibit "F").

30. Or December 21, 2001, Plaintiff Pechner filed suit against the City of Revere in a case entitled Pechner-James v. Frederick Roland, acting Chief Revere Police Department and Thoras Ambrosino, Mayor City of Revere, Suffolk County Superior Court, Case No. SUCV2001-05837. A certified copy of the complaint in said case is attached hereto as Exhibit "K."

31. Or December 27, 2001, Plaintiff Fernandez was granted a two week unpaid leave of absence due to personal reasons by Defendant Ambrosino (Affidavit of Thomas Ambrosino and letter of December 27, 2001 attached thereto attached hereto as Exhibit "F").

32. Or January 6, 2002, Chief Colannino retired (Affidavits of Carolyn Russo attached hereto as Exhibit "D" and Affidavit of Michael Murphy attached hereto as Exhibit "E").

33. Or January 15, 2002, Terence Reardon was appointed as the Chief of Police for the City of Revere (Affidavit of Thomas Ambrosino attached hereto as Exhibit "F" and Affidavit of Michael Murphy attached hereto as Exhibit "E").

34. Or. July 17, 2002 Plaintiff Pechner's Involuntary Retirement Application was filed with the Revere Retirement Board by Police Chief Terence Reardon (Plaintiff Pechner's Motion for Partial Summary Judgment, Exhibits 1-5, attached hereto as Exhibit "L"; Affidavit of Carolyn Russo attached hereto as Exhibit "D").

35. Or. October 23, 2002 Plaintiff Pechner's Involuntary Retirement Application was denied by the Revere Retirement Board (Plaintiff Pechner's Motion for Partial Summary Judgment, Exhibit 6, attached hereto as Exhibit "M").

36. Or. October 30, 2002 Plaintiff Pechner appealed the decision of the Revere Retirement Board (Plaintiff Pechner's Motion for Partial Summary Judgment, Exhibit 7, attached hereto as Exhibit "N").

37. Or. February 5, 2003, Plaintiff Pechner filed a voluntary Application for Disability Retirement with the Revere Retirement Board. (Affidavit of Carolyn Russo to which a true and correct copy of said application is attached which are attached hereto as Exhibit "I").

38. Or. March 7, 2003 the Division of Administrative Law Appeals overturned the October 23, 2002 decision of the Revere Retirement Board and the matter was remanded to said board for the purpose of convening a Regional Medical Panel of experts in psychiatry in order to evaluate defendant Reardon's Involuntary Retirement Application filed on behalf of Pechner. In so doing, the Opinion of the Division stated: "[w]hen the Revere Retirement Board reviewed Chief Reardon's application for Involuntary Accidental Disability Retirement on Officer [Pechner] James' behalf in October 2002, she did not meet the requisite criteria set forth in M.G.L.c. 32 s. 7 for the convening of a Regional Medical Panel. Her treating doctor, Dr. Keroack, did not state that she was

totally and permanently disabled and that said disability was such as might be the natural and proximate result of the personal injury or hazard undergone on account of which retirement was claimed. As such, the board was correct in failing to convene a Medical Panel" (Plaintiff Pechner's Motion for Partial Summary Judgment, Exhibit 43, attached hereto as Exhibit "O").

39. Or. March 27, 2003, Plaintiff Pechner dismissed her action against the City of Revere (Pechner-James v. Frederick Roland, et al), Suffolk County Superior Court, Case No. SUCV2001-05837. A certified copy of said dismissal is attached hereto as Exhibit "P".

40. Or. October 6, 2003 Plaintiff's Pechner and Fernandez filed the instant action in the Suffolk County Superior Court (Judicial Notice of the Court's file herein. Federal Rules of Evidence, Rule 201).

41. Or. April 14, 2004 the Revere Retirement Board approved Plaintiff Pechner's voluntary Application for Disability Retirement (Affidavit of Carolyn Russo to which a true and correct copy of said approval is attached which are attached hereto as Exhibit "D").

42. Or. April 23, 2004 Plaintiff Fernandez's Involuntary Retirement Application was filed with the Revere Retirement Board by Police Chief Terence Reardon (Affidavit of Carolyn Russo to which a true and correct copy of said application is attached which is attached hereto as Exhibit "D").

43. Or. June 4, 2004 the Public Employee Retirement Administration Commission for the Commonwealth of Massachusetts approved Plaintiff Pechner's voluntary Application for Disability Retirement effective January 17, 2002 (Affidavit of Carolyn



Russo to which a true and correct copy of said approval is attached which are attached hereto as Exhibit "D").

44. On November 10, 2004 the Revere Retirement Board approved Plaintiff Fernandez's involuntary Application for Disability Retirement (Affidavit of Carolyn Russo to which a true and correct copy of said approval is attached which is attached hereto as Exhibit "D").

45. On December 17, 2004 the Public Employee Retirement Administration Commission for the Commonwealth of Massachusetts approved Plaintiff Pechner's voluntary Application for Disability Retirement effective December 21, 2004 (Affidavit of Carolyn Russo to which a true and correct copy of said approval is attached which are attached hereto as Exhibit "D").

46. During the course of the meeting between Mayor Ambrosino and Plaintiffs Pechner and Fernandez in March or April 2001 (see Complaint, paragraphs 49, 105, 116 and 134) some of the events identified in the Complaint (See Ambrosino Affidavit, paragraphs 5 and 6) may have been discussed. (Obviously, this would exclude the incidents of December 2001 involving Officer Fernandez which had not yet occurred). This would have been the first time that Mayor Ambrosino was notified of these events, if they were in fact discussed during this meeting. Mayor Ambrosino was not personally aware of the incidents alleged in the Complaint on file herein and only learned of these alleged incidents through the combination of his meeting with Officers Pechner and Fernandez, their filing of the their complaints with the Massachusetts Commission Against Discrimination and their filing of the instant Complaint (Affidavit of Thomas Ambrosino attached hereto as Exhibit "F").

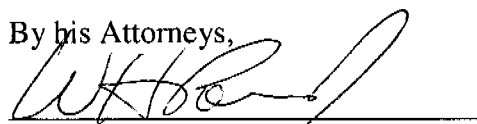
47. Mayor Ambrosino serves as the Executive Officer for the City of Revere. He is not responsible for the day-to-day supervision, management or operation of the Revere Police Department. Those responsibilities are entrusted to the Police Chief pursuant to Section 2.60.030 of the Revised Ordinances of the City of Revere. Mayor Ambrosino was not and has never been a Supervisor of either Officer Terri Pechner or Officer Sonia Fernandez. The allegation in paragraph 1 on page 1 of the Complaint that the Mayor was “at all relevant times and for all relevant purposes [the] supervisor[] of the Plaintiffs” is not a correct statement of Mayor Ambrosino’s duties and responsibilities as the Mayor of the City of Revere (Affidavit of Thomas Ambrosino attached hereto as Exhibit “F”).

48. Since assuming office in January, 2000 Mayor Ambrosino has authorized unpaid leaves of absence to Revere City police officers without regard to race or gender. He has also approved paid leaves of absence without regard to race or gender (Affidavit of Thomas Ambrosino attached hereto as Exhibit “F”).

49. Mayor Ambrosino's only involvement with the Revere Retirement Board is to select the second member thereof pursuant to General Law Chapter 20, section (4)(b) and to receive their annual request for appropriation under General Law Chapter 20, section (5)(f), which is then evaluated as part of the annual budget process. Mayor Ambrosino does not participate in, nor does he attempt to influence, the Board in the performance of its duties under General Law Chapter 20, section (5) (Affidavit of Thomas Ambrosino attached hereto as Exhibit "F").

For the Defendant, MAYOR THOMAS AMBROSINO,

By his Attorneys,



Paul Capizzi, Esq.

City Solicitor

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Walter H. Porr, Jr., Esq.

Assistant City Solicitor

BBO#: 659462

wporr@revere.org

City Hall, 281 Broadway

Revere, MA 02151

781-286-8166

Dated: March 30, 2005.

**CERTIFICATE OF SERVICE**


I, Walter H. Porr, Jr., Assistant City Solicitor and counsel of record for the Defendants, City of Revere, Revere Police Department, Mayor Thomas Ambrosino and Police Chief Terence Reardon, hereby certify that I have, this day forwarded a copy of the foregoing Defendant, Mayor Thomas Ambrosino's Statement of Undisputed Material Facts, to all parties herein by personal service or mailing same, this date, via first class mail, postage prepaid to:

By Personal Service:

James S. Dilday, Esq.  
Carlton J. Dasent, Esq.  
27 School Street, Suite 400  
Boston, MA 02108  
Attorneys for the Plaintiffs

By U.S. Mail:

Michael J. Akerson, Esq.  
Reardon, Joyce and Akerson, P.C.  
397 Grove Street  
Worcester, MA 01605  
Attorneys for Defendants  
Bernard Foster, Salvatore Santoro,  
Roy Colannino, Frederick Roland,  
Thomas Doherty, John Nelson,  
James Russo, Michael Murphy,  
and Steven Ford

  
\_\_\_\_\_  
Walter H. Porr, Jr.,  
Assistant City Solicitor  
BBO# 659462  
City Hall, 281 Broadway  
Revere, MA 02151  
781-286-8166

Dated: March 31, 2005

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**TERRI PECHNER-JAMES and SONIA  
FERNANDEZ,** )  
 )  
**Plaintiffs,** )

**v.** )

**C.A. No. 03-12499-MLW**

**CITY OF REVERE, THOMAS AMBROSINO,** )  
**MAYOR, CITY OF REVERE POLICE** )  
**DEPARTMENT, TERRENCE REARDON,** )  
**CHIEF OF POLICE, BERNARD FOSTER,** )  
**SALVATORE SANTORO, ROY COLANNINO,** )  
**FREDEJICK ROLAND, THOMAS DOHERTY,** )  
**JOHN NELSON, JAMES RUSSO, MICHAEL** )  
**MURPHY and STEVEN FORD,** )  
**Defendants,** )

**AFFIDAVIT OF WALTER H. PORR, JR.**

I, Walter H. Porr, Jr., do hereby depose and state:

1. I am an Assistant City Attorney for the City of Revere and have been so employed since December 13, 2004. I am an attorney of record for Defendant, Thomas Ambrosino, Mayor of the City of Revere. I am responsible for the preparation and filing of the instant motion for summary judgment and separate statement of undisputed material facts to which this affidavit is attached.

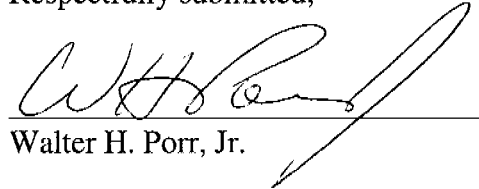
2. Attached hereto are true and correct copies of the Cover Page and pages i-v, 13, 14, 22, 43, 44, City Council Order No. 04-632, 367, 381, 383, 386 and 391 of the Revised Ordinances of the City of Revere, Massachusetts, Revised and Republished 2001.

3. Attached hereto is a true and correct copy of Massachusetts Advance Legislative Service 2001 Mass ALS 102 which is Chapter 102 of the 2001 Regular Session of the Massachusetts General Court which was downloaded from LEXIS.

4. Attached to Defendant Ambrosino's Statement of Undisputed Material Facts as Exhibit "G" are true and correct copies of the MCAD complaints filed by Plaintiff Terri Pechner-James and Sonia Fernandez as served upon this office and maintained in our files relative to those cases.

Signed under the pains and penalties of perjury this 25<sup>th</sup> day of March, 2005.

Respectfully submitted,

  
Walter H. Porr, Jr.

# **THE REVISED ORDINANCES OF THE CITY OF REVERE, MASSACHUSETTS**

**A Codification of the General Ordinances  
of the City of Revere, Massachusetts**

**Codified 1983**

**Revised and Republished 2001**

**LexisNexis Municipal Codes  
Matthew Bender & Company, Inc.  
701 East Water Street  
Charlottesville, VA 22902  
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- 2.75 Board of Assessors**
- 2.78 Board of Health**
- 2.81 Board of Trustees of Public Library**
- 2.84 Council on Elder Affairs**
- 2.87 Awards Committee**
- 2.88 Senior Citizen Property Tax Work-Off Abatement**

\* As to zoning board of appeal, see Ch. 17.52 of this revision. For provisions on the following, see the statutes indicated:

Building inspector  
Conservation commission

G.L. Ch. 143, § 3, 3y  
G.L. Ch. 40, § 8C

Contributory retirement board	G.L. Ch. 32, § 20(4)
Election commission	G.L. Ch. 424, 1952 Acts & Resolves
Gas inspector	G.L. Ch. 142, § 11
Handicapped commission	G.L. Ch. 40, § 8J
Historical and cultural commission	G.L. Ch. 40, § 8D
Industrial development commission	G.L. Ch. 40, § 8A
License commission	
Ch. 687 of 1914, Ch. 188 of 1934 Acts & Resolves; G.L. Chs. 138, 140	
Planning Board	G.L. Ch. 41, §§ 70, 72, 73, 81A—J
Plumbing inspector	G.L. Ch. 142, § 11
Retirement Board	G.L. Ch. 32, § 20
School committee	G.L. Ch. 71
Traffic commission	Ch. 185, 1983 Acts & Resolves
Wire inspector	G.L. Ch. 166, § 32
Workers' compensation	G.L. Ch. 152, § 75
Zoning board of appeal	G.L. Ch. 40A, § 12

**Chapter 2.09****MAYOR\* \*\*****Sections:**

- 2.09.010 Powers and duties generally.**  
**2.09.020 Presentation of municipal budget.**  
**2.09.030 Submission to supplemental appropriation requests to the city council.**  
**2.09.040 Submission of revenue estimates and certain anticipated expenditures to be raised to establish the fiscal year tax rate.**

\* For the law of the Commonwealth relative to Mayor of Plan B cities generally, see G.L. Ch. 43 et seq.

\*\* On November 6, 2001 the voters of the city of Revere approved a referendum, pursuant to the provisions of Section 17C of Chapter 43 G.L., changing the term of the mayor from two years to four years.

**2.09.010 Powers and duties generally.**

The mayor shall have the powers and perform such duties as are set forth in the Charter and under the General Laws, or as may be prescribed by the provisions of this revision and other ordinances adopted by the city council. (Prior revision § 2-16)

**2.09.020 Presentation of municipal budget.**

In addition to the information required by Chapter 44, Section 32 of the General Laws, the mayor shall present the city's annual municipal budget providing for the following information beside each salary classification:

- A. Name of employee;
- B. Employment status: full-time, part-time, hourly rate or contractual;
- C. Job classification;
- D. Job status: civil service, provisional civil service, appointed, contractual or elected;
- E. Tenured, if received, and date;
- F. Length of time working in job classification and total length of employment with the city. (C.O. 82-44(a) § 1: prior revision § 2-16A)

**2.09.030 Submission to supplemental appropriation requests to the city council.**

Notwithstanding any contrary provisions of the General Laws or Special Acts, within sixty-five days following the commencement of each fiscal year, the mayor shall have submitted to the city council all of his/her recommendations for supplemental appropriations, deemed necessary,

by the mayor, for the operation of the city government for the fiscal year excluding appropriations requested by the mayor from time to time by means of transfer (provided for by Section 33B of Chapter 44 of the General Laws). (C.O. 98-45 § 1)

**2.09.040 Submission of revenue estimates and certain anticipated expenditures to be raised to establish the fiscal year tax rate.**

In addition to the information required by Chapter 44, Section 32 of the General Laws, to be provided to the city council to review and act upon the city's annual budget, the mayor shall also submit to the city council, at the time of his or her submission of his or her annual budget, all of the available information that the city annually submits to the Commonwealth of Massachusetts Department of Revenue, on State Tax Form 31C, the tax rate recapitulation statement. (C.O. 98-106 § 1)

**Chapter 2.60****POLICE DEPARTMENT\* \*\*****Sections:**

<b>2.60.010</b>	<b>Composition.</b>
<b>2.60.020</b>	<b>Incumbents.</b>
<b>2.60.030</b>	<b>Chief of police.</b>
<b>2.60.040</b>	<b>Firearm permits.</b>
<b>2.60.050</b>	<b>Rules and regulations.</b>
<b>2.60.070</b>	<b>Seniority.</b>
<b>2.60.080</b>	<b>Absence or disability of chief.</b>
<b>2.60.100</b>	<b>Special police.</b>
<b>2.60.110</b>	<b>Private hiring.</b>

\* As to authority of the police department to aid other cities and towns, see § 2.45.040 of this revision. As to the fire department generally, see C.1.2.51. As to notice to the police department, etc., prior to fumigation, see § 8.12.020. As to obedience to police officer with regard to traffic, see § 10.04.040. As to authority and duties of police in connection with motor vehicles and traffic, see Ch. 10.08. As to the authority of police in connection with tow-away zone regulations, see § 0.44.020. As to the duty of police in connection with inspection of pawnbrokers' records, articles, etc., see §§ 5.20.120 and 5.20.130. As to salaries of protective forces, see Table III.

\*\* For the law of the Commonwealth as to police officers generally, see G.L. Ch. 41, § 96 to 101. As to powers and duties of police officers generally, see G.L. Ch. 41 § 98.

**2.60.010 Composition.**

A. The police department shall consist of a chief of police and the following personnel: three captains, ten lieutenants, seventeen sergeants, and such number of patrolmen as may be appointed by the mayor and provided for by the city council.

B. There shall also be the following nonuniformed personnel in the police department: one senior custodian, one junior custodian, one dog officer, one matron, one principal clerk, one junior clerk-typist and such other personnel as may be appointed by the mayor and provided for by the city council.

C. There is hereby created and established in accordance with the provisions of Section 60, of Chapter 31 of the General Laws an intermittent police force which shall be subject to the applicable civil service law and rules.

There is hereby created and established an executive officer of the Revere police department. Such executive officer shall be chosen by the police chief from the ranks of any captain or those lieutenants who have served in the rank of lieutenant for at least five years. The salary of such executive officer shall be equivalent to the salary of the senior captain (C.O. 01-17B § 2; C.O. 95-515 § 2; C.O.

94-402 §§ 1—4, C.O. 91-285A § 2; C.O. 83-52 § 70 (part): prior revision § 15-1)

**2.60.020 Incumbents.**

Any police officer who immediately prior to the effective date of the ordinance from which this chapter derives,\* held permanent appointment in his grade without impairment of civil service stature, seniority, retirement and other rights of the employee and without reduction in the employee's compensation and salary grade; provided, however, that until further amendment by the city council no appointments shall be made in the personnel of the police department in excess of those enumerated in Section 2.60.010. (C.O. 78-166 (part), 1978; prior revision § 15-2)

\* Editor's Note: The ordinance from which this chapter derives was adopted June 30, 1969, and approved by the mayor July 12, 1969.

**2.60.030 Chief of police.**

A. The chief of police shall have the general charge and supervision of all officers and patrolmen and other personnel of the police department, shall have the precedence and control of the same whenever engaged in the same service and shall report forthwith to the mayor any violation of duty on the part of any member of the department.

B. The chief shall report immediately to the city engineer any defect in any of the streets, roads or bridges which the chief may personally discover or which may be reported to the chief by any member of the police department.

C. The chief shall also report forthwith to the proper board or head of department all nuisances and obstructions in the streets, lanes, alleys, squares and public grounds of the city, and all nuisances, sources of filth and causes of sickness which the chief may personally discover or which may be reported to the chief by any member of the police department.

D. It is the duty of the chief to enforce all laws and the provisions of this revision and other city ordinances and to receive complaints for violation of them.

E. The chief shall comply with and execute the orders of the mayor. (Prior revision § 15-3)

**2.60.040 Firearm permits.\***

The chief may require an examination to be taken by applicants for a license to carry a pistol or revolver before granting such permit, in order to assist him to determine that the applicant is a suitable person to be so licensed in accordance with the provisions of Chapter 140, Section 131 of the General Laws. The chief of police may charge



for such examination a fee to be paid by such applicant, not in excess of the amount provided for in Table I of this revision, all of which fees are to be paid to the city. (C.O. 83-52 §§ 70 (part), 75 (part); prior revision § 15-4 (part))

- \* As to licenses and permits generally, see Ch. 5.04 of this revision.  
As to discharging firearms, see § 9.24.010.

#### **2.60.050 Rules and regulations.**

The chief of police shall, at least once every five years, review and establish rules and regulations for the government of the police department, subject to the approval of the mayor. (Prior revision § 15-5)

#### **2.60.070 Seniority.**

A. Seniority of officers in the same grade shall be determined by the highest civil service mark that the officers received in the examination for such grade, including credits awarded in civil service appeal procedures. Between officers of the same grade and civil service mark the relative rank shall be determined by considering dates of rank in lower grades, until seniority is established. If seniority is not so established, it will be decided by the date of the appointment of an officer to the city police department.

B. The seniority in grade list, as established in this section, shall be added to in the same manner when additional officers are appointed and qualified in such grade. (Prior revision § 15-6)

#### **2.60.080 Absence or disability of chief.**

In the absence or disability of the chief of police, the executive officer of the police department who shall be a captain shall be acting chief of police with all the powers and duties of the chief of police in the administration and enforcement of all laws, rules and regulations which it is the duty of the chief of police to administer and enforce. (C.O. 83-52 § 70 (part); prior revision § 15-7)

#### **2.60.100 Special police.**

The mayor may appoint annually such number of persons as he shall deem necessary who shall constitute the special police; provided, however, that no person shall be eligible for appointment by the mayor unless said person shall satisfactorily complete the requirements for appointment as prescribed by the chief of police. Such requirements may include, but need not be limited to, the successful completion of medical examinations, background checks, training in the use of firearms, first aid, CPR, criminal law and other necessary police techniques. The chief of police may alter or change the requirements from time to time as he may deem appropriate. Any person

seeking appointment as a special police officer may be charged a reasonable fee for completing the eligibility requirements. (C.O. 90-62 § 1)

#### **2.60.110 Private hiring.\***

Any contractor, private contractor or other person who hires the services of any member of the police department, reserve or regular, shall compensate such policemen according to the terms of a contract made pursuant to General Laws, Chapter 149, Section 1781. (Prior revision § 15-11)

- \* As to pay for firemen hired by private individuals, see § 2.51.090.



City of Revere  
City Council

City Council Order No. 04-632

Offered By Councillor Zambuto

Date: September 20, 2004

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REVERE, AS FOLLOWS:

An Ordinance Relative To The Composition of the City of Revere Police Department

Whereas, the deferred operation of this ordinance would tend to defeat its purpose, which is to immediately change the composition of the City of Revere Police Department, thereof it is hereby declared to be an emergency ordinance necessary for the immediate preservation of the public safety and public convenience.

Be it Ordained by the Revere City Council of the City of Revere as follows:

Section 1. Title 2, Chapter 2.60, Section 2.60.010 of the Revised Ordinances of the City of Revere is hereby amended in paragraph A line two by deleting the word "ten" and by inserting in place thereof the word "twelve".

September 20, 2004 Emergency Preamble was Ordered on a Roll Call:  
Councillors Colella, Correggio, Guinasso, Haas,  
Novoselsky, Powers, Rizzo, Rotondo, Zambuto and Casella  
voting "yes." Councillor Goodwin absent.

September 20, 2004 Ordered to a second, third and final reading.

September 20, 2004 Ordered Engrossed and Ordained a Roll Call:  
Councillors Colella, Correggio, Guinasso, Haas,  
Novoselsky, Powers, Rizzo, Rotondo, Zambuto  
and Casella voting "yes." Councillor Goodwin  
absent.

Attest: John J. Henry, City Clerk

Approved by:

Mayor Thomas G. Ambrosino

Date

Attest:

John J. Henry  
City Clerk

RECEIVED  
CITY OF REVERE  
04 SEP 24 AM 9:46  
SOLICITOR

## APPENDIX

### Tables:

- I**      **Fee Schedule** *amended 3/12/03*
- II**     **Special Acts and General Laws** *amended*
- III**    **Salaries**
- IV**    **Cross-reference Table**
- V**     **Ordinance List and Disposition Table**
- VI**    **Traffic Commission Regulation List and Disposition Table**

**Table II**

**SPECIAL ACTS AND GENERAL LAWS**

**Divisions:**

- 1**      **Special Acts** *Amended*
- 2**      **General Laws Accepted**
- 3**      **"Temporary" Acts Accepted**
- 4**      **Special Acts Concerning All Cities**

## Division 1 of Table II

## SPECIAL ACTS

Legislative acts passed with special reference to the towns of Chelsea, North Chelsea and Revere, and the city of Revere.

Acts 1846, Ch. 127. To incorporate the town of North Chelsea. Accepted March 19, 1846.

Acts 1850, Ch. 299, as amended by Acts 1851, Ch. 336. Providing for county commissioners for Chelsea and North Chelsea (Chelsea out later). Accepted March 3, 1851. Repealed by Acts 1939, Ch. 31, §§ 1—5.

Acts 1871, Ch. 126. To provide for the renaming of North Chelsea to the town of Revere. Accepted April 3, 1871.

Acts 1875, Ch. 120. Authorizes Revere and Chelsea to construct a bridge across Chelsea Creek. No acceptance required.

Acts 1890, Ch. 77. An act to authorize the Boston, Winthrop and Shore Railroad Company to discontinue and abandon a part of its road in the town of Revere. No acceptance required.

Acts 1892, Ch. 126. Establishing cellar grade at "grade 14." Accepted April 28, 1892. (See Acts 1917, Ch. 358.)

Acts 1894, Ch. 311. Reclaiming of marsh lands between Orient Heights and Revere. No acceptance required.

Acts 1894, Ch. 483. Authorizes the commonwealth to acquire the location, in part, of the Boston, Revere Beach and Lynn Railroad and to authorize a relocation, in part, of that railroad. No acceptance required.

Acts 1895, Ch. 305. Providing for the taking of land in connection with the B.R.B. and Lynn Ry. Co., also Boston and Maine R.R. Co. No acceptance required.

Acts 1895, Ch. 488. Provides for a metropolitan water supply. Repealed by Acts 1947, Ch. 583. Now G.L. Ch. 92, § 10.

Acts 1896, Ch. 417. Authorizing the election of a board of survey. No acceptance required.

Acts 1897, Ch. 238. Confirming new location of Boston and Maine R.R. Co. and B.R.B. and Lynn Ry. Co. No acceptance required.

Acts 1900, Ch. 274. Abolishing the board of survey. (Such powers and duties are not exercised by the planning board.) Accepted November 6, 1900.

Acts 1900, Ch. 445. Relative to the completion of the parkway connecting Revere, Chelsea and Everett. No acceptance required.

Acts 1904, Ch. 457. Authorizing the town to supply itself with water. Accepted October 24, 1904.

Acts 1905, Ch. 108. Relative to the construction of a stone breakwater off the town of Revere. (See Acts 1906, Ch. 99, Acts 1907, Ch. 9, Acts 1909, Ch. 4.)

Acts 1909, Ch. 203. Relative to removal of remains of disused graveyards. No acceptance required.

Acts 1910, Ch. 646. Authorizes the Massachusetts Highway Commission to take land and construct a state highway from Revere Street to Point of Pines. No acceptance required. (See Acts 1911, Ch. 557; Acts 1912, Ch. 697; Acts 1913, Ch. 639.)

Acts 1911, Ch. 135. Providing for investigation of a parkway between Revere and Winthrop. No acceptance required. (See Acts 1912, Ch. 699, and Acts 1921, Ch. 397.)

Acts 1911, Ch. 213. Relative to the powers and authority of water commissioner to expend five thousand dollars each year. No acceptance required.

Acts 1911, Ch. 479. Authorizing Revere to use part of a burial ground for a public way (Cary Avenue). No acceptance required. (See Acts 1909, Ch. 203.)

Acts 1912, Ch. 667. Authorizing the town to reopen Belle Isle Inlet. No acceptance required.

Acts 1913, Ch. 470. Providing for appointment of a commission to apportion expenses of Suffolk County. No acceptance required. Report made to legislature 1914. Not accepted.

Acts 1914, Ch. 259. Authorizes construction of an additional metropolitan sewer to provide for the sewage of the town of Revere. No acceptance required.

Acts 1914, Ch. 466. Providing for an enclosed athletic field (Curtis Park). Accepted December 14, 1915.

Acts 1914, Ch. 687. To incorporate the city of Revere. Accepted November 3, 1914.

Acts 1916, Ch. 303. Relative to construction of sewers and drains. No acceptance required. (Acts 1900, Ch. 250 repealed.)

Acts 1916, Ch. 43. To amend Charter providing for an increase in the school committee. No acceptance required.

Acts 1916, Ch. 360. Relative to civil service extended to chief of police. Accepted December 12, 1916.

Acts 1917, Ch. 140. Providing a chief of the fire department under the tenure of office. Accepted December 11, 1917. (See Acts 1972, Ch. 551. No acceptance required.)

Acts 1917, Ch. 177. Provides compensation to the city for the use of its sewerage system by the Metropolitan Park Commission. No acceptance required.

Acts 1917, Ch. 358. Relative to cellar grade at "grade 12" above Boston City Base. Accepted October 15, 1917. (See Acts 1892, Ch. 126.)

Acts 1955, Ch. 473. Relative to the Metropolitan District Commission raising the seawall at Shaw Beach and Roughan's Point in Beachmont. No acceptance required.

Acts 1955, Ch. 574. Authorizes the Metropolitan District Commission to construct certain drainage and flood-control facilities in Stoneham, Wakefield, Melrose, Malden, Everett and Revere. No acceptance required. (See Acts 1956, Ch. 332; Acts 1957, Ch. 653; Acts 1961, Ch. 519; Acts 1963, Ch. 595; Acts 1967, Ch. 640; Acts 1968, Ch. 683; Acts 1969, Ch. 527; Acts 1970, Ch. 671; Acts 1972, Ch. 648; Acts 1975, Ch. 293.)

Acts 1956, Ch. 347. Relative to placing the incumbent of the office of assistant city planner of Revere under the civil service laws. Accepted June 4, 1956.

Acts 1956, Ch. 574. Providing funds for the reimbursement of certain property owners for damage caused by the dumping of sewage. No acceptance required.

Acts 1958, Ch. 340. Authorizes the city to increase the retirement allowance of George J. Porter. Accepted May 26, 1958.

Acts 1958, Ch. 393. Transfers the care, control and maintenance of Broadsound Avenue in the city to the Metropolitan District Commission. No acceptance required.

Acts 1959, Ch. 29. Designates the Metropolitan District Commission ice skating arena in Revere as the S/Sgt. Paul W. Cronin Memorial Arena. No acceptance required.

Acts 1960, Ch. 515. Authorizes the Metropolitan District Commission to establish a parking area in the city. No acceptance required.

Acts 1962, Ch. 138. Providing for the appointment of ten additional members to the reserve police force of Revere. No acceptance required.

Acts 1962, Ch. 703. To authorize the formation of a regional vocational school district by the cities of Chelsea, Malden, Melrose, Revere and Woburn, and the towns of North Reading, Reading, Saugus, Stoneham, Wakefield and Winchester, and authorizing the inclusion of the town of Winthrop in such district. Appointments made September 24, 1962, October 15, 1962 and December 3, 1962. (See Acts 1963, Ch. 682. Accepted November 5, 1963.)

Acts 1963, Ch. 266. Designating the Metropolitan District Commission bathhouse in the city as the William H.J. Rowan bathhouse. No acceptance required.

Acts 1963, Ch. 682. Relative to the law authorizing the formation of a regional vocational school district by the cities of Chelsea, Malden, Melrose, Revere and Woburn, and the towns of North Reading, Reading, Saugus, Stoneham, Wakefield and Winchester, and authorizing the inclusion of the town of Winthrop in such district (Northeast Metropolitan Regional Vocational School). Accepted November 5, 1963.

Acts 1963, Ch. 751. Directs the Department of Public Works to pay damages to John D. Cammarata and Fannie Cammarata for certain land taken by such Department. Accepted December 4, 1963.

Acts 1964, Ch. 115. Authorizing Revere to vote at the biennial state election in the current year on the question of adopting the "Plan B" form of city government. (Accepted November 3, 1964.)

Acts 1965, Ch. 90. Relative to the jurisdiction and control of an athletic field in Revere (Paul Revere Park). Accepted March 8, 1965. (See Acts 1954, Ch. 473. Not accepted.)

Acts 1965, Ch. 402. Providing that meetings of the city council and of all other boards and commissions in the city be open to the public with the public having the opportunity to be heard. Accepted January 4, 1966.

Acts 1964, Ch. 403. Directing the Metropolitan District Commission to construct additional water supply mains in the cities of Everett, Revere and Somerville. No acceptance required.

Acts 1965, Ch. 589. Authorizing the city of Revere to pay certain claims against such city, and to borrow money for such purpose. No acceptance required.

Acts 1965, Ch. 638. Establishing the Essex County, city of Revere and town of Winthrop mosquito control project. No acceptance required.

Acts 1965, Ch. 762. Relative to the basis for the annual assessment for the Essex County, city of Revere and town of Winthrop mosquito control project. No acceptance required.

Acts 1966, Ch. 275. Authorizing local licensing authorities to regulate further closing hours for establishments serving alcoholic beverages in Suffolk County. No acceptance required.

Acts 1966, Ch. 377. Authorizing the city of Revere to appropriate during the current year the proceeds of sales of lands acquired through tax lien foreclosure during such year for the acquisition of land for school purposes. Accepted July 5, 1966.

Acts 1967, Ch. 39. Authorizing Revere to appropriate during the current year the proceeds of sales of lands acquired through the tax lien foreclosure during such year for school purposes. Accepted March 13, 1967.

Acts 1967, Ch. 108. Establishing the Essex County, city of Revere and towns of Winthrop and North Reading mosquito control project. No acceptance required.

Acts 1967, Ch. 553. Relative to the basis for the annual assessment for the Essex County, city of Revere and towns of Winthrop and North Reading mosquito control project. No acceptance required.

## Division 2 of Table II

## GENERAL LAWS ACCEPTED

General Laws accepted by the towns of Chelsea, North Chelsea, town of Revere and the city of Revere.

G.L. Ch. 31, § 47. Placing official and labor services of municipal departments under civil service. Accepted April 29, 1918.

G.L. Ch. 31, § 48. Placing police or fire forces under civil service. Accepted, police, March 4, 1901; fire, June 3, 1901.

G.L. Ch. 31, § 49A. Placing one or more specific local offices, to be named in ballot question, under civil service and continuing incumbents at time therein. (See Division I for specific offices.)

G.L. Ch. 31, §§ 61A and 61B. Resulting in the removal of a maximum age for eligibility for appointment for police officer or firefighter. Accepted October 29, 1990.

G.L. Ch. 32. Exemption authorizing early retirement incentive program. Accepted June 12, 2002 (Chapter 116 Acts of 2002.)

G.L. Ch. 32. Exemption authorizing early retirement incentive program. Accepted October 29, 2003 (Chapter 46 Acts of 2003.)

G.L. Ch. 32, § 1, as amended by Ch. 71 of the Acts of 1996. Authorizing certain public employees creditable retirement service time for active service in the armed forces. Accepted August 19, 1996.

G.L. Ch. 32, § 5, Clause 17D. Real estate tax exemption (Chapter 73 Acts of 1986). Accepted January 04, 2002 (Chapter 73 Acts of 1986). Accepted October 20, 2003.

G.L. Ch. 32, § 6(1). Relative to ten-year eligibility for ordinary disability pension. Accepted February 6, 1989.

G.L. Ch. 32, § 20(6). Relative to the compensation of retirement board members. Accepted June 13, 1996.

G.L. Ch. 32 § 9D<sup>1/2</sup>. Relative to providing that the surviving spouse of retired employees shall pay the same amount for health insurance as the retiree paid. November 01, 1994.

G.L. Ch. 32, §§ 1—28. Placing municipal employees under retirement law. Accepted at state election, November 3, 1936.

G.L. Ch. 32, § 20 (C<sup>1/2</sup>, F<sup>1/2</sup>). Raising the salaries of city auditor and treasurer for services to retirement board. Accepted June 28, 1982.

G.L. Ch. 32, § 20(6). Compensation of retirement board members. Accepted June 13, 1996.

G.L. Ch. 32, § 21(3), as amended by § 1 of Ch. 17 of the Acts of 1997. Relative to the annual cost of living adjustments for retirees. Accepted June 9, 1998.

G.L. Ch. 32, § 22P. Pertaining to retirement system funding schedule establishment annual pension funding. Accepted December 17, 1990.

G.L. Ch. 32, § 44. Relative to pensions for incapacitated school janitors hired prior to June 30, 1937. Accepted March 4, 1935.

G.L. Ch. 32, §§ 45A, 45B. Relative to pensions of janitors subject to G.L. Ch. 32, § 44. Accepted April 24, 1950.

G.L. Ch. 32, § 45C. Relative to improved pension schedule for janitors subject to G.L. Ch. 32, § 44. Accepted August 1, 1960.

G.L. Ch. 32, §§ 56 to 60. Relative to pensions for veterans. Accepted February 6, 1940.

G.L. Ch. 32, § 77. Relative to pensions for incapacitated municipal laborers, foremen, inspectors, mechanics, etc. Accepted November 5, 1912; May 20, 1931; June 6, 1938.

G.L. Ch. 32, § 77B. Pertaining to increased noncontributory pensions of certain laborers. Accepted August 1, 1960.

G.L. Ch. 32, § 80. Concerning pensions for disabled city firemen. Accepted March 30, 1908.

G.L. Ch. 32, § 81A. Relative to pensions of aged or disabled city firemen. Accepted February 3, 1947.

G.L. Ch. 32, § 83. Relative to pensions of disabled or aged city policemen and firemen. Accepted March 30, 1908.

G.L. Ch. 32, § 83A. Concerning pensions for aged or disabled policemen in cities. Accepted February 3, 1947.

G.L. Ch. 32, § 85I. Pertaining to retirement credits of municipal policemen and firemen. Accepted August 2, 1954.

G.L. Ch. 32, § 85J. Pertaining to pensions of policemen, firemen and their widows. Accepted January 6, 1969; rescinded May 12, 1969.

G.L. Ch. 32, § 89A. Relative to annuities to dependents of certain public employees killed, etc., in the line of duty. Accepted January 19, 1958.

G.L. Ch. 32, § 89B. Relative to annuities to dependents of certain policemen and firemen killed in the line of duty. Accepted June 19, 1963.

G.L. Ch. 32, § 89C. Pertaining to annuities to certain widows of public employees killed, etc., in line of duty. Accepted April 5, 1965.

G.L. Ch. 32, § 90C. Relative to increasing the retirement allowance of certain former employees retired on superannuation. Accepted November 17, 1969.



LEXSEE 2001 MASS ALS 102

MASSACHUSETTS ADVANCE LEGISLATIVE SERVICE  
STATENET

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MASSACHUSETTS 182ND GENERAL COURT -- 2001 REGULAR SESSION

CHAPTER 102

SENATE BILL 1886

*2001 Mass. ALS 102; 2001 Mass. S.B. 1886*

BILL TRACKING SUMMARY FOR THIS DOCUMENT

**SYNOPSIS:** AN ACT PROVIDING REQUIREMENTS FOR APPOINTMENT OF THE CHIEF OF POLICE OF THE CITY OF REVERE.

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To view the next section, type .np\* TRANSMIT.

To view a specific section, transmit p\* and the section number. e.g. p\*1  
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Be it enacted by the Senate and the House of Representatives in the General Court assembled, and by the authority of the same, as follows:

[\*1] SECTION 1. The position of police chief of the city of Revere shall be exempt from chapter 31 of the General Laws.

[\*2] SECTION 2. The police chief of the city of Revere shall be appointed by the mayor for a term of office of 5 years subject to the confirmation of the city council.

[\*3] SECTION 3. Appointments to the position of police chief of the city of Revere shall be limited to officers of the Revere police department who have attained the rank of lieutenant and who have served in that rank for 5 years or more, and to officers of the department who have attained the rank of captain.

[\*4] SECTION 4. This act shall take effect upon its passage.

**HISTORY:**

Approved October 11, 2001

**SPONSOR:** Travaglini



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

TERRI PECHNER-JAMES and SONIA  
FERNANDEZ,  
Plaintiffs,

v.

C.A. No. 03-12499-MLW

CITY OF REVERE, THOMAS AMBROSINO,  
MAYOR, CITY OF REVERE POLICE  
DEPARTMENT, TERRENCE REARDON,  
CHIEF OF POLICE, BERNARD FOSTER,  
SALVATORE SANTORO, ROY COLANNINO,  
FREDERICK ROLAND, THOMAS DOHERTY,  
JOHN NELSON, JAMES RUSSO, MICHAEL  
MURPHY and STEVEN FORD,  
Defendants,

AFFIDAVIT OF DIANE COLELLA

I, Diane Collela, do hereby depose and state:

1. I am the Election Commissioner for the City of Revere.
2. In my capacity as Election Commissioner for the City of Revere, I maintain the books and records of the City of Revere Election Office, including the records for results from previous years elections.
3. During the State-wide election of November 3, 1964, the citizens of the City of Revere were presented with several questions on their ballot. Among those questions was question No. 8 which concerned adopting the Plan B form of government for the City. A true and correct copy of that portion of the ballot with this question as it appeared thereon is attached hereto.
4. Question No. 8 passed, with in person vote totals reflecting 12,630 in favor; 4,153 against; and 3,329 blank ballots for a total of 20,112 votes, not including the less than 300 absentee ballots which were submitted. A true and correct copy of the vote totals referred to above is attached hereto.

Signed under the pains and penalties of perjury this 12th day of March, 2005.

Respectfully submitted,

Diane R. Collela  
Diane Collela

To vote on a Question, mark a Cross X in the Square X  
at the right of YES or NO.

movals must still receive Council approval. As in the case of appointments still requiring Council approval, such recommended removal from the Youth Service Board must be acted upon by the Council within thirty calendar days; otherwise the proposed removal shall become effective as if approval had been given. In the case of any appointment which heretofore required Council approval the Governor may, within fifteen days of the making of the appointment, remove the person appointed without cause.

The Council shall no longer be required to approve the fixing of any compensation for services rendered in the executive department. And henceforth there need be no approval by the Council of actions or agreements by executive officers, including but not limited to borrowings and loans, investments, leases, licenses, purchases and conveyances, and contracts, and also including the promulgation of rules and regulations.

Notwithstanding the foregoing, the Governor shall at all times remain free to seek the advice and consent of the Council upon any matter.

QUESTION NO. 6

LAW SUBMITTED UPON REFERENDUM AFTER PASSAGE

Do you approve of a law summarized below, which was approved in the House of Representatives by a vote of 180 in the affirmative and 40 in the negative and was approved in the Senate by a vote of 28 in the affirmative and 5 in the negative?

YES	
NO	

SUMMARY

Under the Act, effective as of January 1, 1964, each member of the General Court shall receive seventy-eight hundred dollars for each regular annual session, the President of the Senate and Speaker of the House of Representatives shall each receive the same amount as additional compensation, and the floor leaders of each of the major political parties in the Senate and House, the Chairman of the Senate Committee on Ways and Means and the Chairman and Vice-Chairman of that committee of the House, shall each receive thirty-nine hundred dollars as additional compensation, to be paid as provided in the Act. After the same date the annual expense allowance is to be six hundred dollars for each member and the travel allowance is to be eight cents per mile with a stated minimum and an alternative, and a member chosen to fill a vacancy or who resigns during a session is to be entitled to per diem compensation at the rate for each regular annual session and to the allowances for travel and other expenses for the time of his membership.

It is also provided that in addition to the compensation for the 1963 annual session the President of the Senate and Speaker of the House shall be paid thirty-nine hundred dollars, the floor leaders of each major political party in the Senate and House the Chairman of the

To vote on a Question, mark a Cross X in the Square X  
at the right of YES or NO.

QUESTION NO. 8

"Shall the city of Revere adopt the form of government defined as Plan B and consisting of government by a mayor and councillors elected partly at large and partly from wards or districts, with elections to be held biennially in every odd-numbered year, according to chapter forty-three of the General Laws relative to city charters?"

YES	
NO	

REVERE

QUESTION NO. 4

Yes 473 471 383 499 355 287 460 312 642 536  
No 86 63 76 48 51 28 65 40 113 88

BLANKS 336 252 237 251 339 201 303 223 381 598  
TOTAL 895 786 696 798 745 516 828 575 1136 1222

QUESTION NO. 5

Yes 331 326 274 322 255 200 353 217 481 424  
No 230 205 188 212 156 109 169 132 247 196

BLANKS 334 255 234 264 334 207 306 226 408 602  
TOTAL 895 786 696 798 745 516 828 575 1136 1222

QUESTION NO. 6

Yes 207 178 148 192 136 108 175 128 251 274  
No 359 337 314 355 259 198 327 199 469 331

BLANKS 329 271 234 251 350 210 326 248 416 617  
TOTAL 895 786 696 798 745 516 828 575 1136 1222

QUESTION NO. 7

A YES 501 447 411 446 379 281 444 328 632 611  
No 190 177 155 196 166 97 185 95 268 207

BLANKS 204 162 130 156 200 138 199 152 236 604  
TOTAL 895 786 696 798 745 516 828 575 1136 1222

B Yes 475 428 390 438 370 268 416 316 615 581  
No 180 162 144 181 136 81 161 84 242 206

BLANKS 240 196 162 179 239 167 251 175 279 435  
TOTAL 895 786 696 798 745 516 828 575 1136 1222

C Yes 523 451 413 459 395 267 447 325 651 643  
No 140 138 127 161 124 76 145 75 220 199

BLANKS 232 197 156 178 226 173 236 175 265 380  
TOTAL 895 786 696 798 745 516 828 575 1136 1222

QUESTION NO. 8 (PLAN B)

Yes 525 486 422 512 454 316 527 353 734 775  
No 216 167 175 181 126 100 150 99 230 178

BLANKS 154 133 99 105 165 100 151 123 172 269  
TOTAL 895 786 696 798 745 516 828 575 1136 1222

390	341	339	291	514	243	438	266	477	514	541	520	347	641	235
63	67	50	53	113	51	69	39	73	71	91	124	71	105	57
210	407	185	260	568	119	306	223	255	415	323	444	226	330	158
663	815	574	604	1195	413	813	528	805	1000	955	1088	644	1076	450
289	232	247	220	393	156	311	192	351	371	377	399	247	470	163
154	167	130	128	229	135	208	107	205	196	243	240	157	258	130
227	416	197	256	573	122	294	229	249	433	335	449	240	348	157
663	815	574	604	1195	413	813	528	805	1000	955	1088	644	1076	450
150	162	130	111	257	96	148	97	211	234	213	225	141	290	101
259	236	251	227	347	186	338	190	330	318	395	428	268	435	191
250	417	193	266	591	131	327	241	264	448	347	435	235	351	158
663	815	574	604	1195	413	813	528	805	1000	955	1088	644	1076	450
388	411	320	324	627	235	443	261	489	554	516	610	382	613	250
130	130	123	112	175	103	207	116	166	179	230	215	115	213	93
146	274	131	168	393	75	163	151	150	267	209	263	147	250	107
663	815	574	604	1195	413	813	528	805	1000	955	1088	644	1076	450
374	394	311	322	597	230	444	273	458	524	474	570	361	602	233
116	117	111	99	155	93	181	98	162	171	212	159	108	191	93
172	304	152	183	443	90	188	157	185	305	269	359	175	283	124
663	815	574	604	1195	413	813	528	805	1000	955	1088	644	1076	450
384	400	335	336	608	250	467	284	484	544	517	606	383	619	253
114	114	88	86	141	79	161	96	164	158	198	143	90	185	83
168	301	151	182	446	84	185	148	157	298	240	339	171	272	114
663	815	574	604	1195	413	813	528	805	1000	955	1088	644	1076	450
400	505	333	364	743	266	472	346	485	648	630	729	457	645	277
167	147	161	125	192	94	227	103	230	185	194	189	102	291	89
96	163	80	115	260	53	114	79	90	167	131	170	85	140	84
663	815	574	604	1195	413	813	528	805	1000	955	1088	644	1076	450

235 212 10727  
57 12 1767

158 68 7618  
450 292 20112

163 113 7707  
180 100 4631

157 79 7774  
450 292 20112

161 113 4478  
191 113 7656

158 66 7978  
450 292 20112

250 186 11088  
93 57 4100

107 49 4924  
450 292 20112  
33 178 10642  
93 53 3696

124 61 5774  
450 292 20112  
253 185 11226  
83 46 3351

114 61 5535  
450 292 20112

277 226 12630  
89 35 4153

84 31 3329  
450 292 20112

insufficient to defeat summary judgment. First National Bank of Boston v Slade, 379 Mass. 243, 246 (1979); Albre Marble & Tile Co. Inc., v John Bowen Co., 338 Mass 394, 397 (1959). The mere existence of some alleged factual dispute between the parties will not defeat an otherwise properly supported motion of summary judgment, the requirement is that there be no genuine issue of material fact. Anderson v Liberty, 477 U.S. 242, 247-48 (1986); Beatty v NP Corp., 31 Mass. App. Ct. 606, 608 (1991). A fact is deemed material only "if it might affect the outcome of a suit under the governing substantive law." Norske Bank v First National Bank of Boston, 838 F. Supp. 19, 25 (D. Mass. 1993).

### **FACTS**

The Plaintiff, Terri Pechner James, was sworn in as a Revere Police Officer on September 21, 1995. She was constructively discharged from her employment on March 13, 2001. The prolonged, severe, pervasive, hostile and abusive work environment she experienced during the period of her employment culminated in an incident that made it impossible for her to continue to work at the Revere Police Department after March 13, 2001.

That evening Plaintiff was working the 4:00 p.m. to midnight shift. She was a dispatcher for that shift. One of her duties was to periodically check on prisoners being held at the station. While she was performing her duties, a prisoner named Christopher Daley asked her for a blanket. The Plaintiff offered him the blanket. The Plaintiff knew the prisoner from their days in the same high school. He told her that Detective Goodwin had asked him if he had ever "been with" the Plaintiff. The term "been with" is commonly interpreted to mean "had sexual intercourse with." (See Plaintiff's Affidavit & Attached Exhibits.)

The prisoner also stated that the last time he was at the station he heard Lieutenant Santoro, one of Plaintiff's supervisors, and a Defendant in this case, ask John Barker, another prisoner, if he had ever "fucked" the Plaintiff. (See Plaintiff's Affidavit & Attached Exhibits.) The events were later confirmed by independent investigations. The Plaintiff became extremely upset and emotionally distraught by these attacks from her

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

**TERRI PECHNER-JAMES and SONIA  
FERNANDEZ,**

**Plaintiffs,**

**v.**

**C.A. No. 03-12499-MLW**

**CITY OF REVERE, THOMAS AMBROSINO,  
MAYOR, CITY OF REVERE POLICE  
DEPARTMENT, TERRENCE REARDON,  
CHIEF OF POLICE, BERNARD FOSTER,  
SALVATORE SANTORO, ROY COLANNINO,  
FREDERICK ROLAND, THOMAS DOHERTY,  
JOHN NELSON, JAMES RUSSO, MICHAEL  
MURPHY and STEVEN FORD,  
Defendants,**

**AFFIDAVIT OF CAROLYN RUSSO**

I, Carolyn Russo, do hereby depose and state:

1. I am a Retirement Analyst for the City of Revere and have been so employed since September of 1993.
2. In my capacity as a Retirement Analyst for the City of Revere, I review and process applications for retirement by employees of the City of Revere. In addition, my office maintains the Revere Retirement Board's records of retirement applications, approvals, denials and related records for city employees.
3. Attached hereto are redacted copies of the retirement approvals for former Police Chief James Russo and former Police Chief Roy Colannino. As reflected thereon, Chief Russo retired effective February 28, 1999 and Chief Colannino retired effective January 6, 2002.
4. Attached hereto are redacted copies of the Voluntary Application for Disability Retirement for Terri Pechner and the Approval of said Application by the Revere Retirement Board and the Public Employee Retirement Administration Commission.
5. Attached hereto are redacted copies of the Involuntary Application for Disability Retirement for Sonia Fernandez and the Approval of said Application by the Revere Retirement Board and the Public Employee Retirement Administration Commission.

Signed under the pains and penalties of perjury this 28<sup>th</sup> day of March, 2005.

Respectfully submitted,

Carolyn L. Russo  
Carolyn Russo





## MASSACHUSETTS

### PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

5 MIDDLESEX AVENUE, 3<sup>RD</sup> FLOOR  
SOMERVILLE, MA 02145  
(617) 666-4446

FAX: (617) 628-4002 TTY: (617) 591-8917  
[www.state.ma.us/PERAC](http://www.state.ma.us/PERAC)



ROBERT F. STALNAKER  
EXECUTIVE DIRECTOR  
April 13, 1999

Revere Retirement Board  
281 Broadway  
City Hall  
Revere, MA 02151

#### COMMISSION MEMBERS

ELIZABETH E. LAING, CHAIR  
A. JOSEPH DENUCCI, VICE CHAIR  
JOHN R. ABBOTT  
CHARLES D. BAKER  
KENNETH J. DONNELLY  
DONALD R. MARQUIS  
DIANNE HYDE RUSSELL

Dear Director:

Department approval is hereby granted for payment of the following retirement allowance to JAMES RUSSO as of February 28, 1999.

#### Retirement Allowance

Annuity	\$	[REDACTED]
Additional Annuity	\$	[REDACTED]
Pension	\$	[REDACTED]
Yearly	\$	[REDACTED]
Monthly	\$	[REDACTED]

This is a Supera annuation retirement allowance calculated under option B.

The accumulated total deductions should be transferred to the annuity reserve fund for the payment of the annuity portion of this allowance. The pension portion of the allowance is payable from the pension fund.

Very Truly Yours

Robert F. Stalnaker  
Executive Director

[REDACTED]  
sch

# PERAC

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

ROBERT E. TIERNEY, *Chairman* | A. JOSEPH DENICCI, *Vice Chairman*  
JOHN R. ABBOTT | C. CHRISTOPHER ALBERTI | STEPHEN P. CROSBY | KENNETH J. DONNELLY | DONALD R. MARQUIS

JOSEPH E. CONNARTON, *Executive Director*

March 05, 2002

Revere Retirement Board  
281 Broadway  
City Hall  
Revere, MA 02151

Dear Director:

Commission approval is hereby granted for payment of the following retirement allowance to ROY COLANNINO as of January 06, 2002.

## Retirement Allowance

Annuity	\$	[REDACTED]
Additional Annuity	\$	[REDACTED]
Pension	\$	[REDACTED]
Yearly	\$	[REDACTED]
Monthly	\$	[REDACTED]

This is a Super annuation retirement allowance calculated under option A.

The accumulated total deductions should be transferred to the annuity reserve fund for the payment of the annuity portion of this allowance. The pension portion of the allowance is payable from the pension fund.

Very Truly Yours

*Joseph E. Connarton*

Joseph E. Connarton  
Executive Director

JFD



# PERAC



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## MEMBER'S APPLICATION

for Disability Retirement

# MEMBER'S APPLICATION for Disability Retirement

PREVIOUSLY IDENTIFIED AS PERA 10-1, 10-3, 10-4, 10-5, 10-6 (1-3), 10-19A-792

## Intent to Retire

JAMES		TERRI	L	PECHNER	
NAME OF APPLICANT (LAST)		(FIRST)	(M.I.)	FORMER OR MAIDEN NAME (IF DIFFERENT)	
157 Conant Street					
STREET ADDRESS					
Revere		MA	02151	017 - 56 - 5959	
CITY		STATE	ZIP	SOCIAL SECURITY #	
04-29-73		Lynn, MA		[781] 284-4638	
DATE OF BIRTH		PLACE OF BIRTH		PHONE #	
<input type="checkbox"/> M <input checked="" type="checkbox"/> F <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO SEX ARE YOU A VETERAN?					
If you will be residing at an address other than the one above [for example, a summer or retirement address] within the next 12 months, please list your alternate address below.					
[ ]					
ALTERNATE STREET ADDRESS					
[ ]		[ ]	[ ]	[ ]	
CITY		STATE	ZIP	PHONE #	
[ ]		[ ]	[ ]	FROM TO	
DATES IN RESIDENCE AT YOUR ALTERNATE ADDRESS					

I understand that I have the right to apply for Accidental Disability and/or Ordinary Disability Retirement benefits. If I believe my disability may be the result of a job-related incident or injury, I may apply for Accidental Disability benefits and must answer all of the questions on this application. I will be required to provide evidence that my disability occurred as a result of a personal injury sustained or a hazard undergone while in the performance of my duties at a definite place and time without serious and willful misconduct on my part.

If I apply for Accidental Disability and PERAC approves my application after considering the Retirement Board's findings, the Regional Medical Panel Report and other evidence, I will be granted an Accidental Disability.

If I apply for an Accidental Disability and PERAC approves an Ordinary Disability application for me based on the Retirement Board's findings, the Regional Medical Panel Report and other evidence, then I may be retired for Ordinary Disability based on this application, if that is my preference and I meet the other requirements for Ordinary Disability benefits.

I APPLY TO BE RETIRED ON THE BASIS OF (PLEASE CHECK ONE):

☒ ACCIDENTAL DISABILITY ☐ ORDINARY DISABILITY ☐ BOTH ACCIDENTAL AND ORDINARY DISABILITY

I sign this application under the pains and penalties of perjury. I affirm that the information presented in this application is correct, complete and accurately presented. I understand that giving false or incomplete information on this application may subject me to loss of my benefits as well as civil and criminal penalties.

APPLICANT'S SIGNATURE [Signature] DATE 2/5/03



RETIREMENT BOARD:  
AFFIX YOUR ADDRESS  
LABEL IN THE BOX  
PROVIDED AT RIGHT.

## INTRODUCTION

# MEMBER'S APPLICATION for Disability Retirement

THE "MEMBER'S APPLICATION FOR DISABILITY RETIREMENT" IS A NEW COMPILATION OF FORMS PREVIOUSLY IDENTIFIED AS:

- 10-1-792 Intent to Retire
- 10-3-792 Statement of Circumstances of Personal Injury or Hazard Undergone
- 10-4-792 Statement of Applicant's Duties
- 10-5-792 Statement of Background, Qualifications and Physical Activities
- 10-6[1]-792 Authorization for the Release of Medical Records
- 10-6[2]-792 Authorization for the Release of Insurance Records
- 10-6[3]-792 Authorization for the Release of Tax Records
- 10-19[1]-792 Applicant's Medical Panel Selection Form

The forms listed above and the numbering system are no longer being used.

### BEFORE YOU FILE AN APPLICATION FOR A DISABILITY RETIREMENT ALLOWANCE, PLEASE NOTE THAT YOU SHOULD:

- Contact your retirement board. This is an important step in ensuring that you have all of the information that you need. The staff at your retirement board will help you understand the process and respond to your questions throughout the process.
- Read the Guide to Disability Retirement for Public Employees. This guide will give you general information about the disability process. Your retirement board can also furnish you with a copy of this guide.

### NEXT STEP

- Be sure to complete the entire application, including the release forms and attach all required documents before returning your application to your retirement board. If your Application is incomplete, the application process will be delayed. Until all of the required information has been submitted, your retirement board cannot assign a date of application, which will be very important in determining your effective date of retirement and retirement allowance date. Your retirement board can prepare an estimate of your retirement allowance for planning purposes at any time, but an official retirement allowance cannot be calculated until your application has been approved. If your Application is approved, you may need to submit additional documents, including, if applicable, your marriage certificate, your spouse's birth certificate, and your dependent children's birth certificates.

- Before you send your Application and your documents to your retirement board, make a photocopy of them for your own records.

## MEMBER'S APPLICATION for Disability Retirement

(PAGE 2)

JAMES	TERRI	L	017-56-5959
NAME OF APPLICANT (LAST)	(FIRST)	(M.I.)	SOCIAL SECURITY #

## Statement of Applicant's Duties

In order to receive a disability retirement allowance, a member must be permanently and totally disabled from performing the essential duties of their position. Essential duties are those duties or functions of a job or position that must necessarily be performed by an employee to accomplish the principal object(s) of the job or position. In accordance with PERAC's regulations, 840 CMR 10.07, your employer is required to identify the essential duties of your position.

(1) Please state the medical reason for which you are filing this application for disability retirement.

Post-Traumatic Stress Disorder, Stress Induced illness, Irritable Bowel syndrome, frequent migraine headaches, panic attacks, anxiety, dizziness, shortness of breath, nausea, vomiting, trembling in my hands.

(2) Please describe the duties that you are required to perform in your current position.

Protect life and property, Preserve the peace, prevent crime, detect and arrest violations of the law, enforce all laws coming within departmental jurisdiction, supervise public functions and respond to all public emergencies.

(3) How frequently are you required to perform these duties?

All the time

(4) Please describe the duties that you are unable to perform as a result of your disability.

All above

(5) When did you cease to be able to perform all of the essential duties of your position?

March 13, 2001

## MEMBER'S APPLICATION for Disability Retirement

(PAGE 3)

James  
NAME OF APPLICANT (LAST)

Terri  
(FIRST)

L  
(M.I.)

017-56 5959  
SOCIAL SECURITY #

## Your Employment History

YOUR CURRENT POSITION (FROM WHICH YOU PLAN TO RETIRE)

Police Officer  
TITLE

Revere Police  
NAME OF DEPARTMENT

23 Pleasant Street  
EMPLOYER'S STREET ADDRESS

Chief Terrence Reardon  
NAME OF HEAD OF DEPARTMENT

Revere  
CITY

MA  
STATE

02151  
ZIP

NAME OF DIRECT SUPERVISOR

781-284-1212  
PHONE #

FAX #

FROM 9/24/95 TO Current  
DATES EMPLOYED

## ALL OF YOUR PREVIOUS POSITIONS

Please list all previous employment in chronological order, beginning with your first position. Include all prior public and private employment. Please note that if any other Massachusetts agency or unit has ever employed you, you may be eligible to purchase creditable service for that public sector employment. Contact your retirement board for further information about making such a purchase. If you need additional space, please attach a separate sheet.

Ames Dept Store  
EMPLOYER'S NAME

FROM 95 TO 95  
DATES EMPLOYED

Spill Rd.  
STREET ADDRESS

Revere  
CITY

MA  
STATE

02151  
ZIP

Erlees Basement  
EMPLOYER'S NAME

FROM 93 TO 95  
DATES EMPLOYED

Rt 2 Saugus Mr.  
STREET ADDRESS

Saugus  
CITY

MA  
STATE

ZIP

EMPLOYER'S NAME

FROM TO  
DATES EMPLOYED

STREET ADDRESS

CITY

STATE

ZIP



## MEMBER'S APPLICATION for Disability Retirement

(PAGE 4)

James Terri L 017-56-5959  
 NAME OF APPLICANT (LAST) (FIRST) (M.I.) SOCIAL SECURITY #

## Statements About Your Background, Qualifications & Recent Physical Activities

[1] Are you a high school graduate?



Yes



No

If you completed some but not all of high school, please indicate the last grade that you did complete. \_\_\_\_\_

[2] Are you a college graduate?



Yes



No

If you completed some but not all of college, please indicate the last year that you did complete. \_\_\_\_\_

[3] Special qualifications, certifications or licenses that you hold:

~~None~~ Associate Degree Criminal Justice

[4] For the period of the last year, please describe your physical activities, including:

[A] Medical rehabilitation activities

therapy with DR. Kerach, DR. Susan Rudman, 2 weeks  
at On Site Academy, Gardner MA. DR. Laith Tissera MD.

[B] Activities of daily living (for example, driving, cleaning, etc.)

Driving, cleaning, cooking, taking care of my  
children, shower

[C] Sports or other strenuous activities

None

[D] Other employment since the onset of your disability

None

If you are applying for ordinary disability, you are not required to complete pages 5-8. However, if you feel that responses in this section are relevant, you may offer them.



## MEMBER'S APPLICATION for Disability Retirement

(PAGE 5)

JAMES  
NAME OF APPLICANT (LAST)

TERRI  
(FIRST)

L  
(M.I.)

017-56-5959  
SOCIAL SECURITY #

## Reason for Accidental Disability

One of the conditions for receiving approval of an application for accidental disability retirement is that your Retirement Board must find that your disability is the natural and proximate result of either a personal injury you sustained (usually, one or several specific incidents), or a hazard undergone (generally, exposure to a harmful situation over a period of time).

PLEASE IDENTIFY THE REASON FOR YOUR DISABILITY

☒ PERSONAL INJURY☒ HAZARD

In describing the personal injury that you sustained or the hazard to which you were exposed, it is important to be as specific as possible.

(1) DATE(S)

8/21/96 (8/24/97-10-97) 6/98 7/21/98 8-6-98  
11-19-98, 12-12-98, 12-25-98, 1-7-99, 1-30-99, 2-7-99  
2-9-99, 4-4-99, 7-5-99, 8-4-99, 8-5-99, 8-10-99, 8-13-99  
8-24-99, 11-23-99, 12-6-99, 12-7-99 2-17-2000, 3-9-2000, 4-20-2000  
(2) SPECIFIC TIME(S) OR IF HAZARD, LENGTH OF TIME EXPOSED 5-3-2000, 5-25-2000, 5-26-2000  
6-23-2000, 8-30-2000, 9-2-2000, 2-26-2001 3-13-2001  
The six years I spent on the job

(3) LOCATION(S)

23 Pleasant Street, Revere Ma. 02151  
ON the Streets in City of Revere  
IN A CRUISER

(4) DESCRIPTION OF INCIDENT(S) OR HAZARD

Continues Sexual Comments and harassment. A hostile  
working environment, Inappropriate physical contact,

(5) PLEASE DESCRIBE THE JOB DUTIES YOU WERE PERFORMING JUST PRIOR TO AND AT THE TIME YOU SUSTAINED YOUR  
PERSONAL INJURY OR WERE EXPOSED TO THE HAZARD.

Protect + serve Police Officer

## MEMBER'S APPLICATION for Disability Retirement

(PAGE 6)

JAMES  
NAME OF APPLICANT (LAST)

TERRE  
(FIRST)

L  
(M.I.)

017-56-5959  
SOCIAL SECURITY #

## Incident Reports

Please provide the following information about each person or agency with which you filed a report of the incident(s) that you sustained or the hazard to which you were exposed.

AMBROSINO, THOMAS  
NAME (LAST, FIRST, MIDDLE INITIAL)

City of Revere Mayor  
AGENCY

Bradway  
STREET ADDRESS

Revere  
CITY

MA  
STATE

02151  
ZIP

(817) 284-8110  
PHONE #

4-17-2001 2:00 PM  
DATE YOU FILED REPORT

City of Revere Police Dept. Date of Report filed - 4-19-2001 -  
For ILLF BENEFITS for PTSD

MASSACHUSETTS Commission Against Discrim  
NAME (LAST, FIRST, MIDDLE INITIAL)

MCAD (Jessica Thrall)  
AGENCY

1 Ashburton Place  
STREET ADDRESS

Boston  
CITY

MA  
STATE

02108  
ZIP

(617) 727-3990  
PHONE #

March 12, 2001  
DATE YOU FILED REPORT

## Witness Data

For each witness to the incident(s) or hazard(s) that you've described, please provide the following information.

Picardi, James  
NAME (LAST, FIRST, MIDDLE INITIAL)

(781) 284-1212  
PHONE #

Sgt. from R.P.D.  
RELATIONSHIP TO YOU

23 Pleasant Street  
STREET ADDRESS

Revere  
CITY

MA  
STATE

02151  
ZIP

Cafarella, Joseph  
NAME (LAST, FIRST, MIDDLE INITIAL)

(781) 284-1212  
PHONE #

Sgt. from R.P.D.  
RELATIONSHIP TO YOU

23 Pleasant Street  
STREET ADDRESS

Revere  
CITY

MA  
STATE

02151  
ZIP

GVB Security and Investigative Corp.  
John F. McCabe, Investigator (505) 359-1916

## MEMBER'S APPLICATION for Disability Retirement

(PAGE 7)

JAMES NAME OF APPLICANT (LAST) TERRI (FIRST) L (M.I.) 017-56-5959 SOCIAL SECURITY #

## Other Actions Taken

As a result of the incidents or hazards that you have described, have you filed a grievance pursuant to a collective bargaining agreement?

☐ NOT APPLICABLE ☐ NO ☒ YES

If "yes", please describe the status of your grievance.

Grievance was denied by Mayor Ambrosino  
on 11-26-01

Did your employer take any administrative or disciplinary action as a result of the incidents or hazards you have described?

NO

## Workers' Compensation

Have you applied for, or are you receiving, or have you received weekly Workers' Compensation benefits or a Workers' Compensation settlement related to your claimed disability?

NO

## Section 111F Benefits

Have you received or are you receiving benefits, related to your claimed disability, pursuant to G.L. c. 41, § 111F?

I applied and was denied

## MEMBER'S APPLICATION for Disability Retirement

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JAMES TERRI L 017-56-5959  
 NAME OF APPLICANT (LAST) (FIRST) (M.I.) SOCIAL SECURITY #

## Emergency Medical Treatment

If you received emergency medical treatment as a result of the incident(s) or hazard(s) you've described, please provide the following information about each health care provider who furnished such treatment to you.

Emergency Room Doctor MGH Emergency  
 HEALTH CARE PROVIDER'S NAME HOSPITAL/FACILITY  
151 E Street Ave Chelsea MA 02150  
 STREET ADDRESS CITY STATE ZIP  
(617) 884-8300 FROM 8/14/97 TO  
 PHONE # DATE(S) OF TREATMENT

DR. Jessica Peters MGH Boston Emergency  
 HEALTH CARE PROVIDER'S NAME HOSPITAL/FACILITY  
55 Fruit Street Boston MA   
 STREET ADDRESS CITY STATE ZIP  
(617) 726-2000 FROM 7/17/01 TO  
 PHONE # DATE(S) OF TREATMENT

HEALTH CARE PROVIDER'S NAME HOSPITAL/FACILITY  
     
 STREET ADDRESS CITY STATE ZIP  
[ ] FROM TO  
 PHONE # DATE(S) OF TREATMENT

## MEMBER'S APPLICATION for Disability Retirement

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NAME OF APPLICANT (LAST)

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L  
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017-56-5959  
SOCIAL SECURITY #

## Hospitals and Medical Facilities

Please list all hospitals and medical facilities with which you have consulted or at which you have received any treatment for any condition within the last five years. Begin with the hospital or medical facility from which you first sought a consultation or treatment. If you need more space, you may attach additional sheets.

MASS General Hospital  
NAME OF FACILITY

fatigue & sleeplessness  
REASON FOR VISIT IBS, Stress, Headaches

300 Ocean Ave  
STREET ADDRESS

Revere  
CITY

MA  
STATE

02151  
ZIP

(817) 485-6000  
PHONE #

FROM 7-71-98 TO Current  
DATE(S) OF TREATMENT

ON Site Academy  
NAME OF FACILITY

Post traumatic stress  
REASON FOR VISIT

216 Mill Street, P.O. box 1031  
STREET ADDRESS

Gardner  
CITY

MA  
STATE

01440-6031  
ZIP

(978) 632-3518  
PHONE #

FROM 9-2001 TO Current  
DATE(S) OF TREATMENT

NAME OF FACILITY

REASON FOR VISIT

STREET ADDRESS

CITY

STATE

ZIP

[ ]

PHONE #

FROM TO  
DATE(S) OF TREATMENT

## MEMBER'S APPLICATION for Disability Retirement

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JAMES  
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(FIRST)

L  
(M.I.)

011-56-5959  
SOCIAL SECURITY #

## Physicians

Please list all physicians with whom you have consulted or from whom you have received any treatment for any condition within the last five years. Begin with the physician you consulted first. If you need more space, you may attach additional sheets.

DR. Ward, DR. Elizabeth Miller MD.  
NAME OF PHYSICIAN

IBS, Headaches, Sleep  
REASON FOR VISIT

300 Ocean Ave  
STREET ADDRESS

Revere  
CITY

MA  
STATE

02151  
ZIP

(781) 485-6000  
PHONE #

FROM 96 TO Current  
DATE(S) OF TREATMENT

DR. ERIC KEROACK, MD.  
NAME OF PHYSICIAN

Everything  
REASON FOR VISIT

103 BROADWAY  
STREET ADDRESS

Revere  
CITY

MA  
STATE

02151  
ZIP

(781) 289-2683  
PHONE #

FROM 9/5/01 TO Current  
DATE(S) OF TREATMENT

DR. SUSAN RUDMAN  
NAME OF PHYSICIAN

PTSD  
REASON FOR VISIT

70 Washington Street #211  
STREET ADDRESS

Salem  
CITY

MA  
STATE

01970  
ZIP

(978) 741-7897  
PHONE #

FROM 3/21/01 TO Current  
DATE(S) OF TREATMENT

DR. Laila M. Tissera, MD. 781-224-0611  
11 Lafayette Street.  
Wakefield Ma. 01880  
From - 2/20/03 - Current



## MEMBER'S APPLICATION for Disability Retirement

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JAMES  
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TERRI  
(FIRST)

L  
(M.I.)

017-56-5959  
SOCIAL SECURITY #

## Primary Treating Physician

Your retirement board will request a statement certifying your disability status from the physician who is treating you for your disability. Please provide the following information about the physician who has provided you with primary treatment in connection with your disability.

ERIC J. KEROACK, MD  
NAME OF PRIMARY/TREATING PHYSICIAN

[781] 289-2683  
PHONE #

103 Broadway  
STREET ADDRESS

TREVER  
CITY

MA  
STATE

02151  
ZIP

FAMILY HEALTH  
TYPE OF COVERAGE

## Other Conditions

Please describe any other circumstances, events or physical conditions that contributed or may have contributed to your disability.

## Attorney Information

If you are represented by an attorney in this disability retirement application process, please provide the following information so that we may contact him or her as necessary.

JAMES Dilday  
NAME OF ATTORNEY

GRAYER + DILDAY  
NAME OF FIRM

27 School Street  
STREET ADDRESS

Boston  
CITY

[617] 227-3470  
PHONE #

MA  
STATE

02108  
ZIP

## MEMBER'S APPLICATION for Disability Retirement

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JAMES TERRI L 017-56-5959  
 NAME OF APPLICANT (LAST) (FIRST) (M.I.) SOCIAL SECURITY #

## Applicant's Authorization for Release of Insurance Records

APPLICANT MUST COMPLETE THIS SECTION

TERRI JAMES 017-56-5959  
 NAME OF APPLICANT (PLEASE PRINT) SOCIAL SECURITY #

157 Coriant Street Revere MA 02151  
 STREET ADDRESS CITY STATE ZIP

I authorize my retirement board, City of Revere, to submit this release to, and to request my insurance records from, any insurer or agency I have listed in this Disability Retirement Application. Additionally, I understand that if the insurer or agency charges any fee for providing these records, I will be responsible for the payment of such fee.

I authorize the below-named individual, insurer or agency to release to my retirement board, City of Revere, any and all information, reports and records it may have regarding any application or claim for insurance I have made during the five (5) years preceding the date beside my signature, below. The scope of this authorization includes the release and copying of such information, reports and records, including but not limited to: correspondence, application forms, claim forms and medical examinations. A photocopy of this document, including my signature, shall be as valid and effective as the original.

SIGNATURE: Terr James DATE: 02/05/03

## Request for Insurance Records

RETIREMENT BOARD TO COMPLETE THIS SECTION

To the Keeper of the Records: The above noted individual in his or her application for disability retirement has named you as having provided insurance coverage. In accordance with the above authorization, please submit your insurance records regarding this individual by \_\_\_\_\_, directly to:

(DATE)

(STREET ADDRESS)

(CITY)

(STATE)

(ZIP)

KEEPER OF THE RECORDS

NAME OF INSURER AND/OR AGENCY

STREET ADDRESS

CITY

STATE

ZIP

NAME OF RECORD SUBJECT'S EMPLOYER/GROUP

POLICY/CERTIFICATE #



## MEMBER'S APPLICATION for Disability Retirement

(PAGE 14)

JAMES TERRI L 07-56-5959  
 NAME OF APPLICANT (LAST) (FIRST) (M.I.) SOCIAL SECURITY #

## Applicant's Authorization for Release of Medical Records

APPLICANT MUST COMPLETE THIS SECTION

TERRI JAMES 07-56-5959  
 NAME OF APPLICANT (PLEASE PRINT) SOCIAL SECURITY #

151 Corant Street Revere MA 02151  
 STREET ADDRESS CITY STATE ZIP

I authorize my retirement board, City of Revere, to submit this release to, and to request my medical records from, any hospital, or medical facility or any physician I have listed in this Disability Retirement Application. Additionally, I understand that if the hospital, institution or medical facility charges any fee for providing these records; I will be responsible for the payment of such fee.

I authorize the below-named individual, hospital, or medical facility or physician to release to my retirement board, City of Revere, any and all information, reports and records it may have regarding my physical or mental health while I was under its observation, care or treatment during the five (5) years preceding the date beside my signature, below. The scope of this authorization includes the release and copying of such information, reports and records, including but not limited to: medical history obtained, x-rays, physical and laboratory findings, diagnosis and prognosis records. A photocopy of this document, including my signature, shall be as valid and effective as the original.

SIGNATURE: Terr James DATE: 02/05/03

## Request for Medical Records

RETIREMENT BOARD TO COMPLETE THIS SECTION

To the Keeper of the Records: Your hospital, institution or medical facility has been named as having provided health care or consultation by the above noted individual in his or her application for disability retirement. In accordance with the above authorization, please submit your medical records regarding this individual by \_\_\_\_\_, directly to:

(DATE)

(STREET ADDRESS)

(CITY)

(STATE)

(ZIP)

KEEPER OF THE RECORDS

NAME OF INSURER AND/OR AGENCY

STREET ADDRESS

CITY

STATE

ZIP

NAME OF RECORD SUBJECT'S EMPLOYER/GROUP

POLICY/CERTIFICATE #

## MEMBER'S APPLICATION for Disability Retirement

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JAMES  
NAME OF APPLICANT (LAST)TERRI  
(FIRST)4  
(M.I.)017-56-5959  
SOCIAL SECURITY #

## Applicant's Authorization for Release of Tax Records

This will certify that I authorize release of information from the federal Internal Revenue Service and the Massachusetts Department of Revenue relative to my annual gross earned income pursuant to any agreement between the federal Internal Revenue Service, the Massachusetts Department of Revenue and the Public Employee Retirement Administration Commission.

I understand that G.L. c. 32, § 6 and 7 require this authorization and my failure to provide this release may result in the denial, suspension and/or termination of my benefits.

*Terri James*  
SIGNATURE OF APPLICANT

TERRI JAMES  
NAME OF APPLICANT (PLEASE PRINT)

017-56-5959  
SOCIAL SECURITY #

## MEMBER'S APPLICATION for Disability Retirement

(PAGE 16)

JAMES  
NAME OF APPLICANT [LAST]TERRI  
[FIRST]L  
[M.I.]07 - 56 - 5959  
SOCIAL SECURITY #

## Regional Medical Panel Selection Form

Unless your retirement board denies your application as a result of an initial fact-finding hearing, you must have a regional medical panel examination. The Public Employee Retirement Administration Commission (PERAC) appoints all regional medical panels.

When your retirement board determines that your application for disability retirement is complete, the board [which meets at least once each month] may petition PERAC to appoint a three member, state-financed, independent regional medical panel to examine you.

- No physician who has already examined you or treated you, except as part of a prior regional medical panel, can be appointed to a panel to examine you.
- PERAC will schedule the regional medical panel examination[s] and notify you at least 14 days in advance of the date[s], time[s], and location[s].

## THREE SEPARATE SINGLE EXAMINATIONS OR ONE JOINT EXAMINATION

- You have the right to request three separate single physician examinations when you file your disability application. Such separate examinations can be scheduled by PERAC to take place on three separate days in three separate locations.
- If you do not request separate single examinations at application filing time, PERAC will generally schedule a joint examination. In instances where a joint examination cannot be convened in a timely fashion, PERAC may schedule separate single examinations instead.
- You may request separate examinations at any time prior to a joint examination date but PERAC will not ordinarily consider requests for separate examinations less than 48 hours prior to a scheduled joint examination.

YOU MUST INDICATE WHETHER YOU PREFER ONE JOINT EXAMINATION OR THREE SEPARATE SINGLE EXAMINATIONS BY CHECKING ONE OF THE BOXES BELOW:

☒ I want to be examined by a joint regional medical panel.

☐ I want to be scheduled for three separate single examinations.

By signing, I acknowledge that if I fail to appear at the scheduled medical appointment[s], I will be required to reimburse the Commonwealth for the cost of the examination, prior to the scheduling of a new examination.

Terri James  
SIGNATURE OF APPLICANT

2/5/03  
DATE

**MEMBER'S APPLICATION** for Disability Retirement

(PAGE 17)

ERWIEB	TERRI	L	017 - 56 - 5959
NAME OF APPLICANT (LAST)	(FIRST)	(M.I.)	SOCIAL SECURITY #

The following authorization and selection forms are included in your application. Make sure that you complete each of these forms and return them to your retirement board along with the rest of your completed application:

- Your signed Authorization for Release of Insurance Records
- Your signed Authorization for Release of Medical Records
- Your signed Authorization for Release of Tax Records
- Your signed Regional Medical Panel Selection Form

Copies of the following documents should be attached to your Application, if applicable to your personal situation:

- Your birth certificate
- Your military form DD214
- Copies of incident reports that you filed

If your application is approved, you may need to submit additional documents, including, if applicable:

- Your marriage certificate
- Your spouse's birth certificate
- Your dependent children's birth certificates

**Disability Transmittal to the Commission**

Updated August, 2003

APR 23 '04 PM 12:54 PERAC

**Retirement Board:** Please place your address and phone number here. ▶

**REVERE RETIREMENT BOARD**  
**281 BROADWAY**  
**REVERE, MA 02151**  
**(781)286-8173**

JAMES TERRI L REVERE  
 Member's Last Name First M.I. Retirement Board  
017 56 5951 ☒ Accidental Disability ☐ Ordinary Disability ☐ Accidental Death  
 Social Security # (Please check one)

**Retirement Board Decision**

To the Commission:

We hereby certify that we have received the application of the above named member for a disability retirement/accidental death benefit and have voted to grant the benefit in accordance with the provisions of M.G.L. chapter 32, section 7. Pursuant to G.L. c. 32, § 21(1)(d), § 21(4) and PERAC regulations 840 CMR 10.13(i)(A) and 840 CMR 9.02, we are hereby forwarding our decision to you for your review.

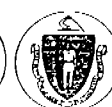
If this application is based on a presumption under G.L. c. 32, § 94 or § 94A or § 94B, we made the following findings of fact. (By placing a check mark in the box to the left of the finding, the board certifies that it has made the finding of fact.):

- ☐ The member successfully passed a physical examination upon entry to service or subsequent thereto, which failed to reveal evidence of such a condition.
- ☐ There is no contrary evidence sufficient to overcome the applicable presumption.
- ☐ Other causal factors related to the member's physical or mental condition did not contribute to the member's disability.
- ☐ No event other than the accident or hazard upon which the disability retirement is claimed contributed to the member's disability.

If the member is claiming the presumption contained in Section 94B:

- ☐ He(she) did respond to calls in the line of duty that would have involved the inhalation of or exposure to noxious fumes or poisonous gases.
- ☐ He(she) has served in a position that renders him(her) eligible for the application of the presumption for at least five years and regularly responded to calls of fire during some portion of his(her) service.
- ☐ The condition upon which the presumption is based was discovered within five years of the last date on which the member actively served.

Laurie Liardella Chair \_\_\_\_\_ Member  
by CME Member \_\_\_\_\_ Member  
 \_\_\_\_\_ Member 4/14/04 Date of Vote



## Disability Transmittal to the Commission

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JAMES TERRI 017-82-5959  
 Member's Last Name First M.I. Social Security #

CITY OF REVERE POLICE OFFICER/4  
 Name of Unit Job Title/Group

4/29/73 1/17/02 9/19/95  
 Date of Birth Date of Retirement Date of Membership

Years: 5 Months: 7 ☐ Yes ☒ No  
 Total Creditable Service Veteran Status

Annual rate of regular compensation on date of injury, or

\$43,118.90 Average annual rate of regular compensation for 12-month period last received

In case of an accidental disability/accidental death (other than in presumption cases), check appropriate provision:

- ☐ Notice to board within 90 days?
- ☐ Accident occurred within 2 years preceding date of application?
- ☐ Group 4 member: is the record of the injury on file in the official records of his/her department?

Information required in connection with G.L. c. 152 (Workers' Compensation) and G.L. c. 41, § III F (Injured On Duty)

Covered by the Workers' Compensation Act? ☐ Yes ☒ No

Date compensation first received in connection with this accident?

At what weekly rate?

What period covered?

Receiving G.L. c. 41, § III F benefits? ☐ Yes ☒ No

G.L. c. 32, § 15

Has the Retirement Board been made aware that this employee has been officially investigated for or charged with misappropriation of funds from his/her employer or convicted of any crime related to his/her office or position? ☐ Yes ☒ No

If yes, please provide documentation.

## Disability Transmittal to the Commission

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JAMES \_\_\_\_\_ TERRI \_\_\_\_\_ L 07-56-5959  
 (Last Name) (First Name) (M.I.) (Social Security #)

After completing this form, submit it and the following attachments to PERAC for approval:

- Statement of facts found by the retirement board
- Certificate and narrative report of the regional medical panel
- Certificate and narrative report of the applicant's physician
- Description of the accident, if applicable
- Injury report(s) from official department files
- All descriptions of the applicant's essential duties
- The employer's statement
- Applicant's complete disability retirement application
- Proof of veteran's status including dates of active service, if applicable
- Proof of physical examination upon entry to service or subsequent to entry, if applying under a presumption
- Death certificate, if applicable

## Commission Approval

To the Retirement Board:

Pursuant to the authority granted to the Commission by G.L. c. 32, § 21(1)(d) and § 21(4), the Commission has reviewed your decision to grant a disability/~~accidental death~~ benefit to: TERRI L. JAMES

The retirement board's decision is hereby **approved**.

6/4/04  
 Date

Joseph E. Lannerton  
 Executive Director, Public Employee Retirement Administration Commission

Upon receipt of this approval, the retirement board shall complete and submit the following attachments to PERAC for approval: the appropriate PERAC calculation sheet, annuity card, dependent children's birth certificate(s), and proof of physical incapacity of any children.

## Send To:

Public Employee Retirement Administration Commission  
 Actuarial Unit  
 5 Middlesex Avenue, Third Floor  
 Somerville, MA 02145